

Senate Bill 128

By: Senators Miles of the 43rd, Butler of the 55th, Fort of the 39th, Seay of the 34th, Henson of the 41st and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to hospital care for nonresident indigents, so as to provide further legislative findings; to provide for alternative procedures and sources of funding for reimbursing hospitals; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to hospital care for nonresident indigents, is amended by striking Code Section 31-8-30, relating to legislative findings, and inserting in lieu thereof the following:

"31-8-30.

The General Assembly finds that there is an inequitable distribution of the public costs incurred in providing health care for indigent persons who receive such care outside their counties of residence. While some hospitals receive significant financial support from their counties for the provision of indigent care, other hospitals, often those with the greatest need, receive no financial support from their counties. This results in a disparity of treatment and inequitable access to hospital and health care services among the state's indigent population, forcing many indigent persons to seek such services in other counties. Those The publicly supported hospitals in other counties providing such health care services to nonresident indigent persons are frequently not reimbursed for the costs thereby incurred, which either unfairly increases the tax burden of citizens ~~supporting such hospitals~~ residing in such other counties or unfairly increases the charges made to paying patients of such hospitals or causes a combination of both types of such increases. It is the purpose of this article to recognize and provide for the state's and counties' responsibility to assist in the payment of cost of care for nonresident indigent patients by providing procedures for the reimbursement of such costs from state or county funds."

SECTION 2.

Said article is further amended by striking paragraph (5) of Code Section 31-8-31, relating to the definitions, and inserting in lieu thereof the following:

"(5) 'Health care' means the following services for nonresident inpatients and outpatients:

(A) Emergency care or treatment;

(B) Treatment for conditions of pregnancy and treatment of the newborn infant from the time of birth until the time of discharge from the hospital;

(C) Treatment for a potentially disabling illness or injury ~~when treatment for such illness or injury is not available for indigent patients in the county of residence of the patient;~~ and

(D) Treatment for any combination of the foregoing."

SECTION 3.

Said article is further amended by striking subsections (c) through (f) of Code Section 31-8-32, relating to the determination of indigency, and inserting in lieu thereof the following:

"(c)(1) When a nonresident patient receives health care from a hospital and when such patient claims inability to pay cost of care because of indigency, the chief administrative officer of the hospital or his or her designee shall notify, in writing, the health care advisory officer of the county of residence of the patient. Such notification shall request a determination of indigency of the patient. As soon as practicable after receiving such notification but not later than 30 days thereafter, the health care advisory officer of the county shall notify the chief administrative officer of the hospital of his or her determination.

(2) If the health care advisory officer determines that the patient is indigent, such notification shall constitute a certification of such indigency, and the ~~expenditures for~~ cost of care of such nonresident indigent patient shall be paid to the hospital in the manner provided in this article and shall be maintained on the records of the hospital for the purposes of Code Section 31-8-34.

(3) If the health care advisory officer determines the patient is not indigent according to the standards promulgated pursuant to subsection (a) of this Code section, the hospital submitting the request may appeal such determination to the commissioner, providing the commissioner with all appropriate documentation supporting its request. The commissioner shall notify the chief administrator of the hospital of his or her determination on appeal as soon as practicable after receiving such appeal request but not later than 30 days thereafter. If the commissioner determines on appeal that the patient

1 is indigent, the cost of care of such nonresident indigent patient shall be paid to the
2 hospital in the manner provided in this article.

3 (d) If the health care advisory officer of a county fails to respond to a request for a
4 determination of indigency from a hospital providing health care for such patient within
5 the time limitation provided by subsection (c) of this Code section, the county of residence
6 of the patient shall be liable for the payment of cost of care of such patient. In such event,
7 the hospital providing health care for the nonresident patient may bill the county of
8 residence of the patient for the amount of his or her cost of care, and it shall be the duty of
9 the governing authority of such county to pay the hospital the amount billed within 30 days
10 of the county's receipt of such bill. If the county fails to make such payment within 30
11 days of receipt, interest shall accrue on any unpaid amount at the legal rate of interest
12 provided in Code Section 7-4-2.

13 (e)(1) In the event a hospital fails for any reason to receive payment for the cost of care
14 rendered to a nonresident indigent within 90 days of a county's receipt of the hospital's
15 request for a determination of indigency or if the payment is disputed and said payment
16 is not received from either the fund or the county determined by the hospital to be
17 responsible for such payment within such 90 days, the hospital shall certify to the
18 Comptroller General the unpaid amount.

19 (2) The Comptroller General shall have no longer than 45 days from the date of receiving
20 the hospital's certified notice to forward the unpaid amount to the appropriate hospital
21 from any funds due to the county under any revenue-sharing or tax-sharing fund or grant
22 established, collected, distributed, or administered by the state notwithstanding the
23 statutory purposes designated for such fund or grant, including but not limited to those
24 grants and special revenue disbursements authorized pursuant to Code Sections 48-14-1
25 and 48-14-2, those grants to counties for construction and maintenance of county roads
26 under Article 2 of Chapter 17 of Title 36, funds payable under the county appraisal staff
27 grant program specified in Code Section 48-5-267, the public road grant program
28 specified in Code Section 48-14-3, the state grants or loans for storm-water related
29 projects specified in Code Section 12-5-582, and any fees, charges, or taxes imposed on
30 insurance companies on behalf of counties pursuant to Chapter 8 of Title 33, except as
31 otherwise provided by the state Constitution. If the Comptroller General fails to make
32 such payment within such 45 days, interest shall accrue on any unpaid amount at the legal
33 rate of interest provided in Code Section 7-4-2. The Comptroller General shall provide
34 the Governor and the Appropriations Committees in the House of Representatives and
35 the Senate with a quarterly accounting of the amounts certified by hospitals as owed by
36 counties and the amount paid to hospitals out of any revenue-sharing or tax-sharing funds
37 or grants due to the county.

1 ~~(e)~~(f) To the end that the certifications of indigency required by subsection (c) of this Code
2 section may be expedited, it shall be the duty of each county health care advisory officer
3 to establish and maintain files showing the names of county residents determined to be
4 indigent.

5 ~~(f)~~(g) It shall be the duty of the commissioner to devise such standard forms as may be
6 necessary or desirable to administer this Code section uniformly. It shall be the duty of
7 counties, health care advisory officers, and hospitals to use the forms promulgated by the
8 commissioner pursuant to this subsection."

9 SECTION 4.

10 Said article is further amended by striking Code Section 31-8-33, relating to the Nonresident
11 Indigent Health Care Fund, and inserting in lieu thereof the following:

12 "31-8-33.

13 There is created the Nonresident Indigent Health Care Fund for the purpose of making
14 payments therefrom to hospitals to reimburse such hospitals for the cost of care of
15 nonresident indigent patients. Such fund shall be made up of appropriations made thereto
16 by the General Assembly, as provided in this article. To the extent there are for any reason
17 insufficient moneys in the fund to pay any of the financial obligations created by this
18 article, such obligations shall be paid by the Comptroller General in the manner provided
19 in subsection (e) of Code Section 31-8-32."

20 SECTION 5.

21 Said article is further amended by inserting at the end thereof a new Code Section 31-8-38
22 to read as follows:

23 "31-8-38.

24 Any county's total liability under this article for any year shall not exceed the amount
25 which could be derived by the county from a one mill ad valorem tax levy for that year,
26 regardless of whether that amount is actually derived from such tax or any other tax.
27 Amounts paid by a county for interest, penalties, attorneys' fees, or court costs arising
28 under this article shall be excluded from any calculation of a county's total amount of
29 liability. Notwithstanding the foregoing, the total liability of a county under this article
30 shall be reduced by an amount equal to the amount of any payment made by such county
31 during such year to any hospital located in such county to support the services and facilities
32 of such hospital, as well as the proceeds of any ad valorem tax levied by such county
33 pursuant to Code Section 31-7-84 and paid to such hospital or hospital authority during
34 such year. Nothing in this Code section shall be construed to be a limitation upon a
35 county's authority to levy a tax or spend for any health care services in an amount greater

1 than that provided in this Code section. A county shall not satisfy its liability under this
2 article by making lump sum payments, aggregate payments, or prepayments to any hospital
3 located outside such county, nor by entering into an exclusive contract with any such
4 hospital, unless such hospital is owned or operated by a hospital authority created in whole
5 or part by the paying county."

6 **SECTION 6.**

7 This Act shall become effective upon its approval by the Governor or upon its becoming law
8 without such approval.

9 **SECTION 7.**

10 All laws and parts of laws in conflict with this Act are repealed.